

REMARKS

Claims 1-7, 9, 10 and 12-37 are pending in this application. By this Amendment, claims 9 and 28 are amended to contain the features of claim 11 and claim 11 is canceled. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments place the application in condition for allowance and do not raise any new issue requiring further search and/or consideration, the features of the amendment having previously been searched, as the amendments merely amend a dependent claim into two independent claims. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicant's representatives by Examiner Heneghan during the May 29 telephone interview are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

The Office Action rejects claims 9, 10, 12-15, 17 and 28-33 under 35 U.S.C. §102(e) over Poisner (U.S. Publication No. 2004/0268143). Independent claims 9 and 28 are amended to contain the feature of claim 11. Thus, the rejection of independent claims 9 and 28 and their dependent claims under 35 U.S.C. §102(e) is moot.

The Office Action rejects claims 1, 2, 11, 18-22, 24, 25, 27 and 34-37 under 35 U.S.C. §103(a) over Poisner and rejects claims 3-6, 16, 23 and 26 under 35 U.S.C. §103(a) over Poisner in view of Shaw (U.S. Patent No. 7,047,343). The rejections are respectfully traversed.

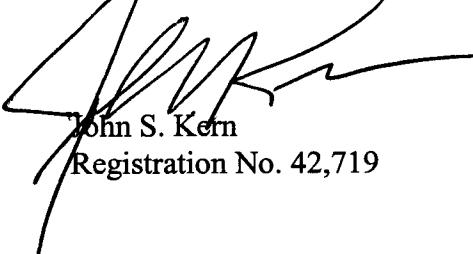
Applicant respectfully asserts Poisner qualifies as prior art only under 35 U.S.C. §102(e). Under 35 U.S.C. §103(c) Poisner is disqualified as prior art for rejections under 35 U.S.C. §103. Specifically, MPEP §706(l)(1) indicates that under §103(c) prior art under §102(e) may be

disqualified for use in rejections under §103(a) if the applications were commonly owned at the time of the invention. Poisner was assigned to Intel Corporation in an assignment executed on 24 November 2003, which was recorded by the Patent Office on 28 November 2003. See Patent Office Reel 014736 and Frame 0478. The current application's disclosure was assigned to Intel Corporation in an assignment executed on 25 March 2004 and was recorded in the Patent Office on the filing day of 30 March 2004. See Patent Office Reel 015171 and Frame 0408. The application was later assigned to Marvell International, LTD. in an assignment executed 8 November 2006 and recorded by the Patent Office on 15 November 2006. See Patent Office Reel 018515 and Frame 0817. Accordingly, the applicant respectfully asserts that the Poisner application and the current invention were commonly owned by the Intel Corporation at the time of the current invention. Thus, under 35 U.S.C. §103(c), Poisner is disqualified as prior art under 35 U.S.C. §102(e) for use in rejections under 35 U.S.C. §103(a). In view of the above withdrawal of all rejections are requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JSK:mem

Date: June 5, 2008

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